

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MARCUS,)
Petitioner,) No. C 14-3769 CRB (PR)
vs.) ORDER DENYING
STATE ATTORNEY GENERAL,) REQUEST FOR
Respondent.) APPOINTMENT OF
) COUNSEL
) (ECF No. 46)

Petitioner's request for appointment of counsel (ECF No. 46) following the withdrawal of his paid counsel is DENIED. See Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986) (unless evidentiary hearing is required, decision to appoint counsel in habeas corpus proceedings is within discretion of district court). Petitioner clearly presented his claims for relief in the petition drafted by counsel and has clearly presented on his own a motion to amend to add new claims which is currently pending. Cf. Bashor v. Risley, 730 F.2d 1228, 1234 (9th Cir. 1984) (although petitioner had no background in law, denial of appointment of counsel within discretion of district court where petitioner clearly presented issues in petition and accompanying memorandum).

Petitioner may renew his motion for appointment of counsel if an evidentiary hearing is later required. See Knaubert, 791 F.2d at 728 (appointment of counsel mandatory if evidentiary hearing is required).

SO ORDERED.

DATED: July 25, 2016

CHARLES R. BREYER
United States District Judge